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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PENDLETON DIVISION

BLUE MOUNTAINS BIODIVERSITY Case No. 2:20-cv-02158-SU
PROJECT,

DECLARATION OF SHANE JEFFRIES

Plaintiff,

v.

SHANE JEFFRIES, in his official capacity
as Ochoco National Forest Supervisor; and
UNITED STATES FOREST SERVICE, an
agency of the United States Department of
Agriculture

Defendant,

I, Shane Jeffries, pursuant to 28 U.S.C § 1746, declare the following to be true
and correct:

1. I am the Forest Supervisor for the Ochoco National Forest. I have been in this position since January 2018. I graduated from the University of Idaho in 1991 with a Bachelor of Science degree in Wildlife Resources. I have worked in a permanent status for the U.S. Forest Service since 1987 as a Wildlife Biologist, District Ranger, and Deputy Forest Supervisor.

2. I am the Responsible Official for the Walton Lake Restoration Project and Project-Specific Forest Plan Amendments (project). I signed the final Decision Notice and Finding of No Significant Impact for the project on December 7, 2020.

3. The project is located within the Walton Lake Developed Recreation Management Area ("RMA"). The RMA includes a campground, day-use area with boat launch and picnic sites, loop road and trail, and the forested stands immediately surrounding this infrastructure. *See* Attachment 1. The project includes two types of activities: (1) sanitation harvest to remove trees infected with and susceptible to laminated root rot disease, followed by reforestation with root rot resistant tree species, and (2) commercial and non-commercial thinning for density reduction within stands of primarily ponderosa pine. The sanitation harvest and reforestation will occur in units 2, 3, and 4 -- across the loop road from the campground and approximately 40 feet from a portion of it. Commercial thinning will occur in units 1 and 5. Unit 1 includes portions of the campground and day use site. Non-commercial thinning will occur in units 6, 7, and 8. Units 6 and 7 include portions of the day use site and campground.

4. Laminated root rot is the most damaging root disease of forest trees in the Pacific Northwest and one of the most hazardous to people and property in developed sites. Filip et al. 2014, *Field Guide for Hazard-Tree Identification and Mitigation on*

Developed Sites in Oregon and Washington Forests. Trees weakened by laminated root rot do not always display visible, above ground characteristics that indicate a hazard; trees that appear to have healthy crowns may fall suddenly at any time. Infected trees with decayed roots and decay at the bases are structurally unstable.

5. A 2015 report from Forest Service, Forest Health Protection staff determined that the extent and severity of laminated root rot has created an unacceptable risk within units 2, 3, and 4 because infected trees may break and fall without warning at any time. Since May 2017, The Forest Service has maintained an area closure on these units to reduce the risk of injury or death to visitors. A portion of the Round Mountain Trail is within the closure area and therefore is also not currently accessible to the public. The closed area is directly adjacent to the entrance road, campground loop road and campground. Signs are in place to notify visitors of the closure and warn them of the danger posed by the structurally unstable, infected trees.

6. Delaying the work to remove laminated root rot-infested trees that can fall without warning due to structural instability will extend the time that the public and Forest Service employees are at risk. Although there is an area closure, and the Forest Service has posted warning signs, people could continue to go into the closed area. Forest Service staff have reported visitor use in the forested stands well away from the campground and day use area, indicating people do not confine themselves to the campground and day use sites proper.

7. The number of dead and falling dead trees within units 2, 3, and 4 is increasing and is exacerbated by the current drought conditions. The ongoing and increasing mortality continues to put the public at risk. It also puts Forest Service employees at risk,

because when dead trees are within striking distance of the road or other infrastructure, they must be felled by hand with a chainsaw. By contrast, with mechanical felling, the operator uses a feller buncher that can control the direction in which a tree falls and provides protection in case the tree falls in an unexpected way. The increase in the number of infected trees in these units also requires the Forest Service to expend additional resources to assess and mitigate the new hazards. Additionally, the root disease infestation and associated tree mortality has spread beyond these units into portions of units 1, 5, 7, and 8. Thinning in this part of the project area, which will occur this fall, will remove fir trees that are susceptible to the laminated root rot disease.

8. As Forest Service staff continue felling the dead trees each year, they have not had a way to dispose of the downed trees so have left them on the ground. This accumulation of downed wood adds to a hazardous fuel loading situation. Extreme heat, drought, and the high fuel loading presents an additional high-risk situation for people, the recreation infrastructure, and the forest.

9. Delaying the project results in a continued decline in tree value because of continued mortality from tree disease, including laminated root rot. Dead trees are not worth as much as live trees and may have no value at all depending on how long they have been dead. The value from the harvested trees (through thinning and sanitation harvest) is being used to partially offset the cost of associated service work that needs to be done (such as slash and cull log removal, small tree thinning, and visual quality mitigations such as stump grinding). Appropriated funds will be used to pay for the work that is not covered by the value of the harvested trees; therefore, lower value in harvested

trees increases the amount of appropriated funds needed to cover the service work, which is a cost to the American taxpayer.

10. Dead and dying trees are having negative impacts to the visual quality of the area. Although trees infected with laminated root rot deteriorate, die, and often fall while still appearing live and healthy, those that die and do not immediately fall turn brown, and their needles eventually fall off. Putting off the work to conduct sanitation harvest to remove infested trees and start a new stand of root rot-resistant tree species also extends the time for tree mortality to affect the visual quality in the area, and the time until the visual quality is restored with newly planted trees and shrubs.

11. In areas of high tree density, putting off thinning to reduce competition stress to the large trees (which provide much of the visual character of the campground) means that the large trees continue to remain at high risk to attack and mortality from bark beetles, until such time as stand conditions are modified. Drought conditions that we are currently experiencing exacerbate the risk of insect infestation because the trees are under more stress. *See* Fettig et al. 2007, Shaw et al. 2009.

12. The contract to implement the commercial thinning and sanitation harvest for the project includes the removal of many of the recently cut trees and old dead logs to remedy the fuel loading situation. If this work is not completed this fall, there is a reasonable likelihood that this situation will remain through another fire season, as wet soil conditions could prevent the work from being completed in the spring.

13. The logistics of completing the project are heavily dependent on weather. Operations with equipment cannot occur when the ground is too wet or when the snow accumulates beyond a certain depth. Operations cannot begin in the campground and day

use area (units 1, 6, and 7) when those areas are open to the public. Additionally, it would be extremely difficult and dangerous to begin operations in the sanitation harvest units (units 2, 3, and 4) while the campground and day use areas are still open to the public because there would be timber felling, equipment operations, and hauling occurring along the only road that the public can use to access campsites. The road is a one-way loop, and the loaded log trucks will need to use it in the opposite direction of the normal campground traffic because they will be too heavy to cross the bridge on the opposite side of the lake. Accordingly, campground traffic and log trucks would be in direct conflict with each other. Beginning work early in the fall as soon as the campground closes should allow the commercial thinning and sanitation harvest work to be completed before winter weather shuts down operations. Sanitation harvest would be prioritized to complete first because of the associated safety issues with laminated root rot. If the work cannot be started until the spring, we could encounter unfavorable spring conditions for operating (i.e. wet and muddy conditions), which could prevent the Forest Service and contractor from being able to complete the work before mid-May, when the campground, day use area, and entrance road open to the public. Additionally, starting this fall the Project now will allow replanting to take place in the spring, when soils are moist.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 30th day of August, 2021.



A. Shane Jeffries
Forest Supervisor
Ochoco National Forest

ATTACHMENT 1

